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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,160	09/24/2003	Mauro Adami	6154	5966
6858	7590	11/16/2004		
BREINER & BREINER 115 NORTH HENRY STREET P. O. BOX 19290 ALEXANDRIA, VA 22314			EXAMINER OSELE, MARK A	
			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

10/668,160

## Applicant(s)

ADAMI, MAURO

7A

## Examiner

Mark A Osele

## Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 13-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rank et al. Rank et al. shows a method of splicing a first web, 11, to a second web, 12, comprising the steps of:  
arranging the leading end of the second web, 12, on a roller, 25 (column 3, lines 60-68);  
clamping the second end to the roller with a clamping bar, 40 (column 3, lines 52-59);  
applying double sided adhesive tape, 33, to the leading end of the second web (column 3, lines 31-33); arranging a counter pressure member, 17, opposite the roller; arranging a cutting member, 64, in the vicinity of the counter pressure member; pressing the counter pressure member against the roller to pinch the first and second webs therebetween (column 4, lines 48-50); and moving the cutting member to cut the first

web (column 4, lines 30-39). Rank et al. does not explicitly state that a single actuator moves the counter pressure member and the cutting member simultaneously. If a single actuator is not used, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a single actuator because the two elements are shown to move simultaneously and a single actuator would both simplify the apparatus and ensure simultaneity.

Regarding claim 25, Rank et al. shows a breaking beam, 55, in the vicinity of the cutting member for braking movement of the first web (column 4, lines 11-20).

#### ***Claim Objections***

4. Claims 13-17 and 19-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer back in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

5. Claim 18 is objected to under 37 CFR 1.75(c) as being in improper form because it references back to another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

#### ***Allowable Subject Matter***

6. Claims 1-12 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either alone or in combination suggests a splicing device with two splicing heads each of which comprises a roller associated with a clamping bar, a counter pressure member, and a cutting member.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Torres Martinez shows an apparatus similar to that of Rank et al. but would not be prior art if the priority document and a certified English translation of the priority document were both submitted. Hashimoto shows a splicing apparatus where the counter pressure member and cutting member move simultaneously. Forbes and Harris, Jr. each show a splicing apparatus with two splicing heads but fails to show all of the instantly claimed features on each splicing head. Pasquale et al. shows a splicing apparatus with a splicing head, counter pressure member, and cutting member.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK A. OSELE  
PRIMARY EXAMINER

November 14, 2004